

CHAPTER 93
GRAIN INDEMNITY FUND BOARD—ORGANIZATION AND OPERATIONS

[Prior to 7/27/88, 21—Ch 63]

21—93.1(203D) Location. The office of the grain indemnity fund board is located in the Wallace State Office Building, Des Moines, Iowa; telephone (515)281-5321; mailing address: Grain Indemnity Fund Board, c/o Grain Warehouse Bureau, Iowa Department of Agriculture and Land Stewardship, Henry A. Wallace Building, Des Moines, Iowa 50319.

This rule is intended to implement Iowa Code section 203D.4.

21—93.2(203D) The board. The grain indemnity fund board consists of seven members: the secretary of agriculture or the secretary's designee who shall serve as chairperson, the commissioner of insurance or the commissioner's designee who shall serve as secretary, the state treasurer or the state treasurer's designee who shall serve as treasurer, and four representatives of the grain trade (two producers and two operators) appointed by the governor.

This rule is intended to implement Iowa Code section 203D.4.

21—93.3(203D) Authority of the board. The board has authority to determine the amount and validity of claims made against the fund, to review and adjust the per-bushel fee and the dealer-warehouse fee, and to approve costs of administering the fund. In addition, the board has the authority to act as an advisor to the secretary of agriculture on administrative matters affecting the fund, and as a result the board will make only policy recommendations in regard to the areas of administration delegated to the department in Iowa Code chapter 203D.

This rule is intended to implement Iowa Code section 203D.4.

21—93.4(203D) Meetings. Unless otherwise determined by the chairperson, the board will meet at 2 p.m. on the third Thursday of each month. In-person board meetings will generally be held in a conference room in the Henry A. Wallace building. Telephone conference call meetings may be permitted and will generally be hosted from the offices of the grain warehouse bureau of the Iowa department of agriculture and land stewardship in the Henry A. Wallace building. The establishment and public notice of meeting dates and locations are the responsibility of the chairperson, unless the majority of the members of the board eligible to vote request a meeting. In addition, the board will schedule meetings when circumstances require the board to address claims made against the fund and, for these meetings, establishment and public notice of meeting dates and locations are the responsibility of the chairperson.

93.4(1) Agenda. The tentative agenda is prepared by the chairperson in advance of the board meeting and will be mailed to board members in advance of the meeting date. A copy of the agenda will be mailed to those members of the public who request it and will be prominently posted at the board's office at least 24 hours before the meeting. Members of the public wishing to be scheduled on the board's agenda should notify the chairperson ten days in advance of the meeting and provide written materials explaining their reasons for wishing to address the board. In the case of a board meeting held to deal with claims against the fund, the filing of a written appeal under rule 21—94.9(203D) will satisfy the requirements of the preceding sentence. The chairperson shall have the authority to make all final decisions on the content and length of agenda items.

93.4(2) General conduct of meetings. The chairperson, or secretary in the absence of the chairperson, presides at all board meetings. Only individuals recognized by the presiding officer may address the board; in general, Robert's Rules of Order will govern the meeting unless otherwise stated in this chapter or by special action of the board.

In all discussions before the board, members of the public shall address any questions for the board to the presiding officer. Individual questioning of board members will not be allowed without the explicit consent of the presiding officer and the board members in question.

93.4(3) Voting. The board consists of seven members who are all eligible to vote on issues. A majority of board members shall constitute a quorum. The affirmative vote of four board members is necessary to carry an action.

93.4(4) Public participation. All meetings are open to the public in accordance with the open meetings law, Iowa Code chapter 21, except that portions of a meeting may be closed in accordance with the open meetings law. In the chairperson's discretion, a 15-minute public forum may be scheduled on each agenda of regularly scheduled meetings to allow the public, if necessary, an opportunity to address the board on any issue that may have arisen after the agenda was posted.

This rule is intended to implement Iowa Code sections 203D.4, 203D.5, 203D.5A and 203D.6.

21—93.5(203D) Minutes. The minutes of all board meetings are recorded and kept by the secretary in the board's office.

This rule is intended to implement Iowa Code section 203D.4.

21—93.6(203D) Board decisions. The actions of the board will be authoritatively recorded in the minutes of the board meeting at which the actions were taken. The board may adopt, amend, or repeal rules subject to Iowa Code chapter 17A to govern the operations of the board, to adjust or waive the per-bushel fee and the annual dealer-warehouse fee, and to govern the process of making claims against the fund. These rules shall be published by the department in the Iowa Administrative Code. The board may also recommend the adoption of other rules by the department relating to the fund. The content of any rules will be authoritatively established when they are published by the department in the Iowa Administrative Code.

This rule is intended to implement Iowa Code sections 203D.4, 203D.5, 203D.5A and 203D.6.

21—93.7(203D) Records. The records of all the business transacted and other information with respect to the activities of the board are public records and are on file in the board's office. All records including board minutes are available for inspection during regular business hours. Copies may be obtained at a cost of 25 cents per page.

This rule is intended to implement Iowa Code section 203D.4.

21—93.8(203D) Waiver of per-bushel and annual grain dealer and warehouse operator fees. Pursuant to Iowa Code section 203D.5, the per-bushel and the annual grain dealer and warehouse operator fees are suspended and waived effective July 1, 1988, until reinstated by rule or statute. This waiver applies to all fees which would have accrued on or after July 1, 1988. To this extent, this rule supersedes rules 21—92.2(203D) and 21—92.4(203D). However, this rule does not waive any fees or penalties which accrued before July 1, 1988, including annual fees which became due and payable on or before June 30, 1988. Penalties on delinquent per-bushel fees arising prior to July 1, 1988, shall continue to run until the delinquency is cured. Further, this rule does not alter the requirement of Iowa Code section 203D.3(4) that new licensees must pay the annual grain dealer and warehouse operator fees for the first year, as set out in Iowa Code section 203D.3 and in 21—subrule 92.2(2).

This rule is intended to implement Iowa Code sections 203D.3, 203D.4 and 203D.5.

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